# DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION

- - -

Wednesday, May 5, 1982

Washington, D.C.

The plenary session was convened at 6:43 p.m. in Convention Hall, ninth floor, 10th and E Streets, N.W., Washington, D.C., Mr. Charles I. Cassell, Chairman, presiding at the opening of the meeting and Mr. James W. Baldwin, Chairman, presiding for the duration of the meeting.

# C O N T E N T S


| | PAGE |
|---|---|
| Roll Call | 3 |
| Suffrage Committee - Delegate Johnson | 14 |
| First Reading of: | |
| Article, Suffrage | 17 |
| Section 1, Voting Eligibility | 27 |
| Section 2, Eligibility of Residents Temporarily Out-of-State | 83 |
| Section 3, Absentee Voting | 87 |
| Section 4, Legislative Residency | 89 |
| Section 5 (new section), Open Primaries | 98 |
| Article, Apportionment | 107 |
| Section 1, Reapportionment of Legislative Districts | 119 |
| Section 2, Apportionment Standards | 120 |
| Section 3, Reapportionment Commission | 124 |


- - -

P R O C E E D I N G S

THE CHAIRMAN: Mr. Secretary, would you call the roll?

DELEGATE COOPER: Delegate Baldwin.

DELEGATE BALDWIN: Here.

DELEGATE COOPER: Delegate Barnes.

DELEGATE BARNES: Here.

DELEGATE COOPER: Delegate Blount.

DELEGATE BLOUNT: Here.

DELEGATE COOPER: Delegate Bruning.

DELEGATE BRUNING: Here.

DELEGATE COOPER: Delegate Cassell.

DELEGATE CASSELL: Present.

DELEGATE COOPER: Delegate Clark.

(No response.)

DELEGATE COOPER: Delegate Coates.

DELEGATE COATES: Present.

DELEGATE COOPER: Delegate Cooper; present.

Delegate Corn.

DELEGATE CORN: Present.

DELEGATE COOPER: Delegate Croft.

DELEGATE CROFT: Present.

DELEGATE COOPER: Delegate Eichhorn.

(No response.)

DELEGATE COOPER: Delegate Feely.

(No response.)

DELEGATE COOPER: Delegate Freeman.

(No response.)

DELEGATE COOPER: Delegate Garner.

DELEGATE GARNER: Here.

DELEGATE COOPER: Delegate Graham.

(No response.)

DELEGATE COOPER: Delegate Harris.

DELEGATE HARRIS: Here.

DELEGATE COOPER: Delegate Jackson.

DELEGATE JACKSON: Present.

DELEGATE COOPER: Delegate Johnson.

DELEGATE JOHNSON: Present.

DELEGATE COOPER: Delegate Jones.

DELEGATE JONES: Here.

DELEGATE COOPER: Delegate Jordan.

DELEGATE JORDAN: Here.

DELEGATE COOPER: Delegate Kameny.

DELEGATE KAMENY: Here.

DELEGATE COOPER: Delegate Lockridge.

(No response.)

DELEGATE COOPER: Delegate Long.

(No response.)

DELEGATE COOPER: Delegate Love.

(No response.)

DELEGATE COOPER: Delegate Maguire.

(No response.)

DELEGATE COOPER: Delegate Marcus.

DELEGATE MARCUS: Present; good evening.

DELEGATE COOPER: Delegate Charles Mason.

DELEGATE CHARLES MASON: Here.

DELEGATE COOPER: Delegate Hilda Mason.

DELEGATE HILDA MASON: Here.

DELEGATE COOPER: Delegate Brian Moore.

DELEGATE BRIAN MOORE: Present.

DELEGATE COOPER: Delegate Jerry Moore.

(No response.)

DELEGATE COOPER: Delegate Talmadge Moore.

DELEGATE TALMADGE MOORE: Present.

DELEGATE COOPER: Delegate Nihikian.

(No response.)

DELEGATE COOPER: Delegate Nixon.

DELEGATE NIXON: Here.

DELEGATE COOPER: Delegate Oulahan.

DELEGATE OULAHAN: Present.

DELEGATE COOPER: Delegate Paramore.

(No response.)

DELEGATE COOPER: Delegate Robinson.

(No response.)

DELEGATE COOPER: Delegate Rothschild.

DELEGATE ROTHSCHILD: Here.

DELEGATE COOPER: Delegate Schrag.

DELEGATE SCHRAG: Here.

DELEGATE COOPER: Delegate Shelton.

(No response.)

DELEGATE COOPER: Delegate Simmons.

DELEGATE SIMMONS: Here.

DELEGATE COOPER: Delegate Street.

(No response.)

DELEGATE COOPER: Delegate Terrell.

(No response.)

DELEGATE COOPER: Delegate Thomas.

(No response.)

DELEGATE COOPER: Delegate Warren.

DELEGATE WARREN: Here.

DELEGATE COOPER: Mr. President, there are 27 delegates present.

THE CHAIRMAN: There being 27 delegates present, this

meeting is now called to order.

Let me make an announcement before we begin. The support for the expenses of the convention offered by the City Government have ended; it is no longer paying for this building; they are no longer paying for court reporters. All of that now is coming out of the convention's limited funds. Therefore, we have no choice but to leave this building when this building closes. And the building closes every night at 10:00. This meeting shall end at 10:00. There is no way after 10:00 you can get that elevator because the people are being paid up till 10:00 which means if we don't close here at 10:00, there won't be an elevator at 10:15.

We've got to conclude our business and get on an elevator at 10:00. On Saturday we must meet from 9:00 until 2:00 or from some time until 2:00. After 2:00 we will be paying for the space on funds that are sufficiently limited. We are paying the court reporters.

I would like to say something else. Each time we call for a roll call vote, the reporter tells us that it takes how many pages --

DELEGATE COOPER: About eight pages, but she does it in three pages.

THE CHAIRMAN: All right. Three to eight pages

at $2.25 a page. That can run about $35.00, that's for a roll call vote. So I would caution us in the interest of saving money long before we have an issue which may be emotional and which people may want to assert their rights to make that call that we limit roll call votes to nil, unless it's something that is very essential. If it gets out of hand, that simply means that we are going to run out of money for the court reporters. So I'm urging that. We may even have to take a vote on whether there shall be a roll call vote.

One other thing I would like to indicate is that our reading schedule now has been disrupted inasmuch as many of the committees that were scheduled originally to read are not ready to read yet simply because their reports have not been circulated.

Tonight we are dealing with Suffrage. The committee that is prepared to read tomorrow would be the other part or another part of Local Government. Local Government has submitted its report in time to read tomorrow. There is nobody else who is qualified to read tomorrow. I asked all -- we are talking about who is ready next.

I would urge all committee chairpersons who have not circulated their reports to please get them circulated tonight. Finance and Taxation is having -- Finance and Taxation

has first priority tonight and their material, I gather, is being printed now. Immediately after that, please get your stuff circulated so that you can read. As of now, there is nobody who is qualified to read on Friday, which means that we are in a bit of a problem unless what we have --

(Simultaneous discussion.)

THE CHAIRMAN: Okay, now having said that, let us begin. Let us understand the time restrictions. We must be out of this building at 10:00.

One other thing to remember: We must be here at 9:00 on Saturday and we must leave this building on 2:00 on Saturday. There is nothing that says we can't meet earlier on Saturday.

Mrs. Simmons.

DELEGATE SIMMONS: Yes. Mr. President, having heard your announcement about the fiscal constraints of this convention and recognizing that we have a very important job to do, also being cognizant that there very well may not be some additional funds available to us, I would like to ask the President and the Executive Committee to consider and to bring to this body tomorrow evening a recommendation that we meet on Saturday at the City Council, that we meet on those weekdays for the rest of our first reading. I think

that because we need the time, we also need the facilities which I expect the City Council might make available to us in terms of duplication.

I would like to have you and your Executive Committee entertain our meeting on Sundays to do a major catch-up. And it is upon those matters that I would like to have the Executive Committee to give some deliberation and bring to this body tomorrow evening. I do not think that we can afford to let the fiscal constraints of this city's government serve as the obstacle to appropriate deliberation of this body.

THE CHAIRMAN: Delegate Simmons, without objection the President has no objection at all to doing that except regarding meeting on Sundays, I have to put that to a vote. Regarding seeking the City Council as a place to meet as many nights as possible, especially on Saturdays, we will be glad to find that out. I would say that that also be coupled with the capacity to use or at least their capacity to handle our volume for reproduction work.

Delegate Barnes. Understand now that that doesn't include a Sunday. We would have to have a motion for that and I don't want to spend the time on that now. We really need to start.

DELEGATE BARNES: Two things: Since we have to leave

at 10:00, I would like us to start earlier than 6:00 and that most days we've actually started past 6:30. That's the first point.

The second point is if the meeting for Saturday is planned for being 9:00 to 2:00.

THE CHAIRMAN: The announcement now is that we must establish that as a meeting time, 9:00 to 2:00 on Saturdays. Now if it is determined some place else like City Council where the hours will be more flexible, then we will do that. We won't know that until after our investigation tomorrow.

DELEGATE BARNES: Okay. Now about meeting at 5:00 --

THE CHAIRMAN: I would like to make a recommendation. There are some of us who just don't leave our jobs until 5:00 and risk losing our jobs if we try to split on a regular basis here.

Yes, Delegate Graham.

DELEGATE GRAHAM: I think if we would get here at 6:00 sharply, we won't have to think about additional time. If we would meet at the time we have specified and then move from there -- I think we need to try that first.

THE CHAIRMAN: Yes. Let me say to everybody that we have a meeting at all times. There have even been committee meetings going on. As I have indicated, you know, to you that

we don't have in this building -- and we don't have any place else to meet yet. I'm going to have to insist that we start at 6:00. There has even been a suggestion that we start anyway and just keep reading the roll until we get a quorum. But I'm asking everybody to make it a point now from now on to be here at 6:00; I would make it earlier if I thought there were people who could get off from work earlier. If people could take leave -- I don't know if anybody could take leave that often. Okay.

I see someone sitting on the floor who is not a delegate. Could the gentleman sitting next to Delegate Marcus --

DELEGATE MARCUS: Mr. President, this gentleman sitting here is helping us to complete our committee report.

THE CHAIRMAN: Let me ask you if you would escort the gentleman to some other location and then you can transact your business. It's a very simple solution.

Delegate Simmons has asked for one minute and has been granted one minute to make some remarks about her report which was completed yesterday. Please, one minute.

DELEGATE SIMMONS: The delegates decided to leave last evening at 11:15 and left in a ceremonious manner that I would like to have this one 60 seconds to thank the members of the committee, to thank also those persons who have been

of help to our committee. These persons, of course, will be acknowledged. Delegate Schrag gave us the benefit of his thinking. We had the thoughts in advance of a numerous other delegates including Mr. Jackson, Mr. Coates and Mr. Jordan.

I would like to say that I thought the committee itself did an outstanding job and I am pleased, Mr. President, to say that the substance of the committee's work was valuable by the fact that those amendments and additions and modifications were not substantive and we thank you for your best judgment in terms of our first reading.

Thank you.

(Applause.)

DELEGATE HARRIS: Delegate Johnson.

DELEGATE ROTHSCHILD: I wanted to make a statement.

DELEGATE HARRIS: Delegate Rothschild.

DELEGATE ROTHSCHILD: I just want to say briefly that those of us who were here last night witnessed the disorder that can take place due to the time constraints. And I think it's very important, recognizing that we are under more constraints than we were before, that we give great respect to our procedure because if our procedure is not respectable, we will not get a good document out of it. So I'm just concerned that we don't end up our convention the way we ended up last night.

Thank you.

DELEGATE BALDWIN: Ms. Johnson, will you proceed please?

DELEGATE JOHNSON: Good evening, fellow delegates. I am Sandra Ford Johnson, elected delegate from Ward 7 and chair of the Suffrage Committee.

Actually the Suffrage Committee has drafted five articles for the new state constitution. I will now introduce the committee members and the articles that they are now expert on.

Delegate Rich Bruning, Ward 1, Initiative and Referendum; Delegate Brian Moore, Ward 2, Vice Chair and expert on recall, amendment and revisions; Delegate Joel Garner, Ward 3, Suffrage and apportionment; Delegate Charles Mason, Ward 4, Dean of the committee, expert on suffrage and apportionment; Delegate Harry Thomas, Ward 5, initiative and referendum, recall; Delegate Chestie Graham, Ward 6, secretary for the committee, expert on suffrage and apportionment; Delegate Theresa Jones, Ward 8, amendments and revisions; Delegate Jerry Moore, at-large delegate. Two other persons made a significant contribution to the success of our committee -- Mrs. Ruth Farma (Phonetic), our research assistant, and Mr. Charles Davis, recently appointed secretary of the committee.

The committee work proceeded as follows: The committee discussed the ideas that we felt the articles should address. The subcommittees met to draft language. The first drafts were read to the committee, discussed and revised. We then had second readings and more discussion. In preparing the draft, we reviewed other state constitutions, the model constitution and the federal constitution. Dr. Leneal Henderson (Phonetic) of Howard University provided consultative services. Others from community organizations provided us with helpful suggestions and additional issues for consideration.

We held three public hearing sessions and had a total of 12 persons who provided further information for consideration by the committee. Taking all information into consideration, the delegates again made revisions before third readings to the whole committee. It was at this time that articles and amendments were formally proposed and voted upon by the whole committee.

We have had much discussion, much debate and are now before you with five articles, with rationale attached, which we hope will favorably be considered by this convention.

Two proposals were received from delegates that were considered by the committee. Both were voted down for

inclusion in our articles. I have today also received a minority report from Brian Moore.

Since we have five articles, we anticipate not taking more than five hours of the convention time; that is, -- and has been explained to us just this evening -- it will really now require that we hopefully are less than an hour on each of our articles, which I do believe is possible.

I will introduce each article with a short statement, read the article section by section, then move each section. With your approval, Mrs. Vice President, of this operational plan, I shall now read the articles in the following order: Suffrage, apportionment, initiative and referendum, recall of state officials, constitutional amendments and revisions.

DELEGATE BALDWIN: If possible, Madame Chairperson, I would like for you to stay within -- number one, when you read an article, it isn't necessary to give a report, to read the report; the report is attached. And if you could just read the -- you mean you will first go to the question and answer?

DELEGATE JOHNSON: No. I'm not reading the rationale. I simply stated to the delegates that the rationale is included in the packet that you have. I was not intending to read that. I was intending, however, to make an introductory

statement so that everybody can have an understanding of what we are speaking of when we talk about, for example, suffrage.

DELEGATE BALDWIN: I'm afraid if we did that it would take more than the one hour you have allotted. And I think once we have the report attached, I think it would be better if we just moved right into it, if you don't mind.

DELEGATE JOHNSON: I do mind, but I will abide by the rules. So you want me to just start by reading the articles.

DELEGATE BALDWIN: Just like all other chairpersons have done.

DELEGATE JOHNSON: Very well. Shall I begin?

DELEGATE BADDWIN: Sure.

DELEGATE JOHNSON: If you will take in your packet -- you have five articles -- the first one. I will try to point out any typos that need to be corrected. The first one is -- the title is Suffrage.

It says at the top page 1 of 2. It is actually page 1 of 3.

"Section 1. Voting Eligibility. Every citizen of the United States is eligible to vote in any election and to circulate and sign election petitions, provided that such persons:

"(A) resides or is domiciled in the State of _____ and does not claim voting residence or the right to vote in any other state, territory or country;

"(B) on the date of the election is, or will be, 18 or more years of age;

"(C) is not mentally incompetent as adjudged by a court of competent jurisdiction;

"(D) is not, at the time of the election, incarcerated in a correctional institution as a result of conviction in the United States of a crime which is a felony in our state;

"(E) has, at the time of the election or by the time of the filing of the petition, registered to vote in accordance with law, which registration may be accomplished at any time except that the Legislature may prescribe a period of not more than thirty days immediately prior to an election, during which time registrations may not be accepted for that election.

"Section 2. Eligibility of Residents Temporarily Out-of-State. No person shall be deemed to have lost residence or domicile in the State of _____ solely because of that person's temporary absence from the State while serving in the service of the United States, while serving as an officer or

member of the crew of a merchant vessel, or while attending an educational institution outside the state.

"Section 3. Absentee Voting. The Legislature shall provide for absentee voting.

"Section 4. Legislative Residency. A person is ineligible to be a candidate for election to the legislature or to serve in the legislature unless that person is a registered qualified voter of the election district in which he or she seeks election or is representing."

That completes the reading of the article on Suffrage. There are four sections. How do you wish me to proceed?

DELEGATE BALDWIN: You can begin with your question and answer section. Hear it now, your question and answer, section by section.

The question is do we have a time limit. And I answered yes for question and answer.

DELEGATE JOHNSON: The court reporter has asked that we speak -- use the -- people speaking use this microphone.

DELEGATE JORDAN: I just want to make an inquiry of the President. Mr. President.

DELEGATE BALDWIN: Yes, Delegate Jordan.

DELEGATE JORDAN: Yes, sir. Our rules provide for a discussion period of 5 to 30 minutes. Could you tell me

how much you are allowing?

DELEGATE BALDWIN: We don't plan to use that time.

DELEGATE JOHNSON: Ms. Corn.

DELEGATE CORN: I have three very brief questions, on page 2, line 26, "registration may be accomplished at any time except that the Legislature may prescribe a period of not more than thirty days immediately prior to an election during which time registration may not be accepted for that election." Is there any reason that you said not more than thirty days? By federal law is no state allowed to ask registrations like two months in advance of an election? I just need a very simple answer.

DELEGATE CHARLES MASON: The Supreme Court in a case arising in Tennessee determined that durational residency requirements for voting were unconstitutional. However, the court did submit a cutoff date for registration not more than 30 days prior to an election. We simply reflect the decision of the Supreme Court in that case arising out of the State of Tennessee which -- and on the same day decisions were made in six or eight other cases arising in other states, including one from the District of Columbia.

DELEGATE CORN: So, in other words, if you said 60 days before the election, that would be illegal by --

DELEGATE CHARLES MASON: That would be overturned by the Supreme Court were somebody to challenge it.

DELEGATE CORN: Thank you very much.

My second question is on page 3, line 40. I'm a little confused here. I don't know whether this was just a typo or what. When you have "a person is ineligible to be a candidate for election to the legislature or to serve in the legislature", what is the difference you mean by those two things? Don't you mean the same thing? Don't you mean be a candidate to the legislator? I just want to get that straight for when we redraft.

DELEGATE GRAHAM: You have two different bits of information that you are talking about at this time. You're talking about people being elected to the legislature and serving in the legislature. They are two different entities in themselves. One, the people have sent the person and the other one may be appointed or maybe somehow got a job there in the legislature.

DELEGATE CORN: Okay. So, in other words, you are talking about appointed and elected there. Is that what you mean?

DELEGATE GRAHAM: It could possibly be.

DELEGATE CORN: I have one more. May I finish my

last one? On line 42 again I'm confused with the word -- "unless that person is a registered qualified voter of the election district in which he or she seeks election or is representing". By that again you mean like a legislator who is appointed in an interim term? Is that what you mean?

DELEGATE CHARLES MASON: What we mean is that at the time of becoming a candidate, the person must live there. We also mean if the person later moves away while in the legislature, he or she loses his or her seat, but remain in the election district throughout the term.

DELEGATE CORN: May I ask one thing, Delegate Mason: What if during the time period that a legislator is in office and because of the census tracts it is moved in such a way that their home no longer is in the district in which they -- which they originally represented, would they then therefore automatically lose their seat under this?

DELEGATE CHARLES MASON: It would have to be a concessional procedure that nobody would, until the end of the term -- but would have to run in the correct district. In other words, merely because of a census, I think that would be taken care of by changing the district boundaries at the same time as the next election occurs, as of the same time so that nobody would have to be in that situation.

DELEGATE BALDWIN: We must move on, Delegate Corn. You added a fourth question in which we really weren't supposed to allow you to. So, therefore, we move on to the next one.

Delegate Johnson, who is the next person?

DELEGATE JOHNSON: Delegate Schrag, but --

DELEGATE BALDWIN: If you prefer, I can have it up here, if you think I can keep track of it better than you.

DELEGATE JOHNSON: No, I can do it.

DELEGATE TALMADGE MOORE: Delegate Talmadge Moore from Ward 5. I want to check on line 19, the question on line 19, the word "correctional institution". I think a correctional institution usually refers to young people for rehabilitation. I was wondering whether we could use "correctional institution and penal institution".

Line 32, "while in the Armed Services", what about the services, U.S. military personnel and elections in absentee sections.

DELEGATE JOHNSON: What is your question?

DELEGATE TALMADGE MOORE: Yes, about the Armed Forces. I use the word "Armed Forces" before the word "service".

DELEGATE BALDWIN: Just a second, sir, let's have them one at a time so we can move on. Was his first question

answered on line 19?

DELEGATE TALMADGE MOORE: Correctional institution usually refers to young people.

DELEGATE BALDWIN: That's not true, sir. Correctional institution includes both adult and young.

DELEGATE GRAHAM: And may I say when it comes to the absence of saying military personnel, we had a military officer to speak during our hearings and he felt that we should not single out the military only because there were people serving in the future or whatnot that may live in the state and if we say as we have listed it here, it would be much better than singling out special people and not giving credit to everyone. And that's why it's listed that way.

DELEGATE TALMADGE MOORE: Now my last one is Section 4, line 38, legislative residency. I believe Section 3 of the legislature outlined -- there is question the qualification of the legislature. Thus I would like to move or recommend that a joint conference between the committee chairs be maintained before you make a decision on that.

DELEGATE BALDWIN: Delegate Moore, this is a question and answer session. You will ask her questions and they will respond. Once they start debating that, that would be proper time for you to come up with your motion.

DELEGATE SCHRAG: In line 6 there is the word "election petitions", does election petitions refer to all types of election petitions -- that is, nominating petitions, initiative petitions, referendum petitions and recall petitions?

(Simultaneous discussion.)

DELEGATE CHARLES MASON: We interpreted the word election petitions to be any petition that has to do with what appears on the ballot, whether it be the name of a person or a recall or an initiative or a referendum. We thought election petition covered the whole group. If there is any ambiguity, we would be most happy to have a change proposed.

DELEGATE SCHRAG: Another correction is line 18,where you have "at the time of the election", if you inserted "an election petition which is accepted and which nominated persons within each circulator is subsequently incarcerated" so that on the day of the election the person is incarcerated and under this language it would appear to retroactively void a nomination. Would it not be better to eliminate that phrase so that the time applicable is the time of circulation and not the time of the election?

DELEGATE CHARLES MASON: This is for the purpose of voting at the elections. Basically, what we are trying to say is that we will not provide absentee ballots for people who are

in prison at the time.

DELEGATE SCHRAG: I understand that, but you have also applied it to circulation of petitions by virtue of line 6.

DELEGATE CHARLES MASON: It probably should be: "At the time of the election or at the time of signing the petition -- a petition". We would be happy to move an amendment to that effect.

DELEGATE SCHRAG: Thank you.

DELEGATE BALDWIN: The ten minutes is up. We have one other speaker, Delegate Jordan, and once he is finished, then we will begin debating.

DELEGATE JORDAN: I just have a question about Section (E), Madame Chairperson. Does this section prohibit seconding registration?

DELEGATE CHARLES MASON: It only permits the legislature to prohibit it. It does not prohibit itself. It says the Legislature may provide a deadline prior to the day of the election. Is that not true?

DELEGATE BALDWIN: May we proceed now with the debate?

Delegate Rothschild.

DELEGATE ROTHSCHILD: On page 2, line 20 --

DELEGATE BALDWIN: I'm sorry. We have the debate now. We have passed the question and answer period. We have expended 13 minutes and we would appreciate it if you would allow us to move right into debate.

DELEGATE JOHNSON: Section 1, I move that this section be adopted with amendments.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that Section 1 of the Suffrage article be adopted.

DELEGATE JOHNSON: Is there discussion?

DELEGATE CORN: Discussion, amendments.

DELEGATE BALDWIN: Is there a minority report? Was there a minority report for this section?

DELEGATE JOHNSON: Just a moment please.

DELEGATE BALDWIN: Was the minority report timely? If not, this body cannot --

DELEGATE JOHNSON: I received it today. I don't know -- I was here yesterday and it wasn't there and today it was. So I haven't had a chance to look at it.

DELEGATE BALDWIN: That is not a minority report. According to our rules, then it has to be -- whatever you had in that report would be dealt with as any other amendment.

Yes, sir.

DELEGATE BRIAN MOORE: I have completed my minority report on time and I submitted it to the typist on time, but it was delayed due to the inundation of work that the typist had, so that the majority report was sent out first.

Then when that was completed, my report was typed and then when that was completed, the machines broke down. So I was able to distribute half of my minority report on Saturday which half of you received and for the last two days the machine has been down and they finally completed the second half this morning and from N to Z was put in the boxes of the delegates.

But my minority report was completed on time, was submitted on time and approved by the chairperson and it was just a matter of administrative problems with the typist and the Xerox machine, which everybody can attest to.

DELEGATE BALDWIN: As you know, Delegate Moore, rule 3.2, minority proposals shall be submitted to the committee's chair within 24 hours of the adoption of the committee report, and then it comes to this group as part of the committee report. Therefore, since these rules were not followed, we would like to proceed.

(Simultaneous discussion.)

DELEGATE BALDWIN: But since you have the floor, will you please present your amendment so we can move on?

DELEGATE BRIAN MOORE: Thank you, Mr. President.

I move to amend the first section of Suffrage and Election, to replace the word "citizen" with two words "legal resident"-- "every legal resident".

DELEGATE BALDWIN: Delegate Moore, will you state the section and the line so that we could follow you. You have to say exactly what line, what it is you want to amend or replace.

DELEGATE BRIAN MOORE: Okay. It is Section 1, voting eligibility, line 5. And I replace the second word "citizen" with the two words "legal resident" and I move that amendment.

DELEGATE BALDWIN: The second word where it says "every citizen"?

DELEGATE BRIAN MOORE: Yes.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that "citizen" on line 5 be deleted and be replaced with "legal resident".

DELEGATE BRIAN MOORE: I would like to explain why I'm doing that.

DELEGATE BALDWIN: Yes, sir.

DELEGATE BRIAN MOORE: Thank you.

I have five minutes, so I will be brief.

DELEGATE BALDWIN: You do not have five minutes. The chair is very generous for even allowing you to because everyone knows the difference between "citizen" and "legal resident". So we are not going to allow you to talk five minutes on that.

DELEGATE BRIAN MOORE: How much time do I have, sir?

DELEGATE BALDWIN: None whatsoever, sir. We're trying to move the agenda. Now please --

DELEGATE BRIAN MOORE: I will try to be as brief as possible. There are 494,000 registered to vote in the District of Columbia -- excuse me, there are 494,000 residents; 288,000 are registered; 95,000 people voted in the mayoral election in 1978 which is 33 percent of the registered voters and only 11 percent of the entire adult population in the District. There are 205,000 people who are not registered to vote in the District. Now 20,000 of those people are legal aliens and they are adult citizens and they are adult residents over the age of 18. And I would like to explain to you why they should have a right to vote in our local and municipal and state and federal elections.

There are permanent residents that are legally here. They are students; they are refugees; they are workers of international organizations. They contribute to our society. They pay federal income tax, state income tax, property tax and sales tax. They are subject to the military draft. They are subject to our laws and obligations. They are countrymen, they attend our churches and they are our neighbors and they send their children to our schools.

Our country allows legal aliens to vote in the United States of America in the 1700s, in the 1800s and the first quarter of the 1900s -- up until 1928. Presently in the United States legal aliens -- the last time a non-citizen could vote in the United States was 1928 and that was due to a lot of discriminatory factors. There was a Senator McCarren (Phonetic) -- may I have your attention please.

There was a Senator who legislated the abolition of foreigners who voted on elections due to the influx of a large number of the town who were of dark skin and dark hair. There are lots of -- a number of other reasons why Americans did not wish this to happen to allow foreign residents to vote but that was one of the main reasons.

Presently in the City of New York foreigners can vote for Boards of Elections and in municipal elections.

In the State of Maryland all you need to do is to be a property owner and you can vote for mayor, city councilmen, district leaders, school board, et cetera. So there is no citizenship requirement. There was no citizenship requirement on any of the Presidents of the United States of America until 1928.

DELEGATE BALDWIN: Delegate Moore, the intent --

DELEGATE BRIAN MOORE: May I finish one sentence?

DELEGATE BALDWIN: The intent of the amendment is very clear. Delegate Moore has defined what he means by legal residents. So it is now on the floor.

DELEGATE JOHNSON: Delegates Barnes, Delegate Jordan, Corn and Kameny.

DELEGATE BARNES: I would like to speak against this amendment because I think that when a person is a legal resident, they may be applying for citizenship but I don't feel they have an interest in -- they cannot possibly have an interest in the United States. They can leave this country after a limited period of time going back to wherever they are from, the country of their natural citizenship, and they do not have the interest of the new state at heart. Therefore, I feel that we should vote this down strongly.

DELEGATE JOHNSON: Delegate Jordan.

DELEGATE JORDAN: I also rise to oppose the motion. I

commend Delegate Brian Moore on the excellent work he has done in researching this issue. But I think that we -- I mean I rise to oppose that in spite that he has done this amount of research.

My concern is simply that which was expressed by Delegate Corn, but I think it's a more important question. And that question is that: If a resident of this country has an opportunity to become a citizen, he has to go through a process, as I understand. So I would suggest that there is an avenue available to those who want to become citizens of this country and participate in the elections. Therefore, I think that there is no need for us to amend our constitution.

And then there is another important question: I don't know how you prove those who are legally in the country to those who are not legally in the country.

DELEGATE JOHNSON: We've heard two opposed to the amendment. Are there two who would like to speak in favor of the amendment?

Delegate Jackson.

DELEGATE JACKSON: I speak in favor of the amendment. The fact that you can leave the state has nothing to do with their responsibility. Any citizen can go out and leave. We're not talking about U.S. citzenship. If it is true that

one can go to jail, work and everything else, what is so important about taking away the right to vote? If we take in 1970 or even in 1870 the majority of the City of Washington was black and now it is changing the other way, there ought to be definite rules in place because the people are losing out.

I think the fact is that the major part of the citizenship are the ones who work, pay taxes and contribute to the legal processes and decisions and to deny anyone the right who does those things is nothing that aids the city or hurts it if they decide not to vote.

So I don't think -- what the problem is is the right to a person who is not an illegal alien. A legal alien, of course, is the wrong term, but if a legal alien has a green card, he is permitted in the United States and has a right to work.

Thank you.

DELEGATE JOHNSON: Delegate Robinson.

DELEGATE ROBINSON: Samuel Robinson, Ward 5. I stand to speak in support of the amendment. It is my belief that a person who is a legal alien of this country, who according to the statistics here, stands and fights for the rights of this country, whose children are members of our

school system, attend our school system, does not mean that there should be a direct relationship between U.S. citizenship and the right to participate in local elections. I would urge all of my fellow delegates to extend the franchise to the legal aliens.

DELEGATE JOHNSON: We would like to move the question if that's all right.

DELEGATE CORN: I want to make one statement and then I will move the question.

I would urge you to vote against this with all deference to Delegate Moore, whom I respect deeply, who has done a tremendous amount of research on this issue. I urge you to vote no, the reason being Washington, D.C. and whatever state we subsequently call ourselves is not Idaho or somewhere else. We are in a very sensitive position, being right next to and part of the seat of the federal government.

I move the previous question.

DELEGATE HOLMES: How can she do both?

DELEGATE JOHNSON: Delegate Blount.

(No response.)

DELEGATE JOHNSON: The question has been called for. All those in favor of stopping debate, say aye.

(A chorus of "ayes".)

DELEGATE JOHNSON: Opposed.

(No response.)

DELEGATE JOHNSON: Abstentions.

(No response.)

DELEGATE JOHNSON: We move the previous question, which is Delegate Brian Moore's amendment. Do we need to have the amendment restated? He is substituting two words, I believe, into Section 1.

All those in favor of his amendment, please signify by showing hands.

(A show of hands.)

DELEGATE COOPER: Eight.

DELEGATE JOHNSON: Those opposed.

(A show of hands.)

DELEGATE COOPER: Fifteen.

DELEGATE JOHNSON: Abstentions.

(A show of hands.)

DELEGATE COOPER: One.

DELEGATE JOHNSON: The result of the vote is --

DELEGATE COOPER: Eight in favor, fifteen not in favor, one abstention.

DELEGATE JOHNSON: The amendment is defeated.

Are there other amendments to Section -- we're on

Section 1, voting eligibility.

Delegate Long, then Delegate Corn, then Delegate Schrag.

DELEGATE LONG: I want to ask a question of the mover of the motion as to why there is no residency requirement?

I withdraw my question.

DELEGATE BALDWIN: State your point of order please.

DELEGATE BRIAN MOORE: It's my understanding that the chairperson is moving on to the second section, is that correct?

DELEGATE JOHNSON: No.

DELEGATE BALDWIN: We're still on Section 1.

DELEGATE JOHNSON: Delegate Corn is the next speaker.

DELEGATE CORN: I would like to move the amendment on line 13. I would like to insert three words after the word "date" and omit three words after the word "is," The new line will read: "On the date of required registration of the election is 18 or more years of age". That's how it will read.

DELEGATE JOHNSON: Just a moment please. Would you please read the entire sentence as amended slowly.

DELEGATE CORN: The entire sentence on line 13 would

read: "(B) on the date of required registration of the election is 18 or more years of age". The idea behind that --

Would you call for the second please?

DELEGATE JOHNSON: Is there a second?

Delegate Rothschild seconded it.

(Whereupon, the motion was seconded.)

(Simultaneous discussion.)

DELEGATE CORN: It has been seconded. May I speak to my motion now?

DELEGATE JOHNSON: Go ahead.

DELEGATE CORN: The rationale is that if somebody -- let's say the election were November 1st and you have to be registered 30 days in advance. That would be October 1st. If the person registers on October 1st and is not yet 18 years of age but will be 18 by November 1st, you are allowing them to sign these petitions for candidates to sign petitions for initiatives and referendums and everything else when they have not yet reached what is considered in most places the age of maturity; whether that's correct or not, that is the standard, 18.

And by rewording it the way I have, it means that on the 30 days before the election when they have to be registered October 1st, they have to be 18 by October 1st.

DELEGATE JONES: Delegate Corn, there is no such thing as a day of required registration.

DELEGATE CORN: There may well be if it's established by the Legislature.

DELEGATE JONES: Delegate Corn, there is no such thing as a day of required registration.

DELEGATE CORN: I beg your pardon, unless I am misunderstanding, there is.

DELEGATE BALDWIN: What is on the floor is an amended motion to the deletion of some words and the substitution of others and you will either speak to that or against it please.

DELEGATE BRUNING: Yes. I would like to say that there is ample precedent for this, not the least is, if anybody remembers the case in Maryland in which Larry Hogan was running for a seat for Congress, that he only would have been the legal minimum age for Congress when he got seated, not when he got elected -- but when he got seated. So there is ample precedent for that type of slack of a month, which I think does no harm and allows somebody who will for the next four years or two years be affected by those decisions. And we are quibbling essentially over whether or not a month -- and by the time he will vote, he would be the legal minimum age; we're quibbling about whether that month should preclude him from

making decisions for the next four years.

DELEGATE JOHNSON: We've heard two people speaking against the amendment. Is there anyone who would like to speak for the amendment?

Is there anyone who would like to speak in favor of the amendment? Delegate Barnes.

DELEGATE BARNES: No. I want to ask a question of the chair.

DELEGATE JOHNSON: No. We want to hear anyone who wants to speak for this amendment.

DELEGATE CORN: I would like to speak for the motion.

DELEGATE JOHNSON: Go ahead.

DELEGATE CORN: The reason I would like to speak for this is I'd like to just say this: While it's true what Delegate Bruning says, that they will be affected by something for the next two or four years, it is also clear to me that I would not like this state run by high school kids. And when somebody is not yet 18, they very well may be a senior in high school. You can have entire high schools running this whole state.

So, therefore, I hope you will support me in saying that by the last day of registration allowable, which usually

is 30 days before the election, someone must be 18 by then.

(Simultaneous discussion.)

DELEGATE JOHNSON: All those in favor of moving the previous question, signify by saying aye.

(A chorus of "ayes".)

DELEGATE JOHNSON: Opposed.

(No response.)

DELEGATE JOHNSON: Abstentions.

(No response.)

DELEGATE JOHNSON: The ayes have it.

All those in favor of Delegate Corn's motion, which reads: "(B) On the date of required registration of the election is 18 or more" -- that's line 13, Section 1, -- did I read that correctly?

DELEGATE CORN: Yes.

DELEGATE JOHNSON: All those in favor to amending to that language, please show by raise of hands.

(A show of hands.)

DELEGATE JOHNSON: All those opposed, show by raise of hands.

(A show of hands.)

DELEGATE JOHNSON: Abstentions please.

(A show of hands.)

DELEGATE JOHNSON: The amendment is defeated. Are there others who would like to offer amendments to Section 1, voting eligibility?

Delegate Schrag is next.

DELEGATE SCHRAG: Delegate Johnson, I move to substitute the word "election" on line 6 to the words "nominating initiative, referendum and recall".

DELEGATE JOHNSON: Go slower please.

DELEGATE SCHRAG: Substitute the word "election" on line 6 with the words "nominating, initiative, referendum and recall".

DELEGATE JOHNSON: Can we hear an explanation and then ask for a second? It has to be seconded first?

DELEGATE BALDWIN: Yes.

DELEGATE JOHNSON: Is there a second?

(Whereupon, the motion was seconded.)

DELEGATE SCHRAG: The purpose of this is to make certain that the section is in line with the committee's intent as the committee's intent was described by Delegate Charles Mason when I asked a question about this during the question period. And it's particularly important to do so so that the requirement that the person be resident of the state in order to circulate initiative and referendum petitions

be clear, so that people can't deluge us with initiative circulators from out of state and put all kinds of initiatives on our ballot that people in our state have no interest in.

So the effect of this would make clear what is already the committee's intent that to circulate an initiative petition, one should have a residence in the state.

DELEGATE KAMENY: There are two words "election" that you didn't make clear.

DELEGATE SCHRAG: I'm sorry. This is the second word "election" on line 6: "vote in any election and to circulate and sign nominating, initiative, referendum and recall petitions". The second word "election".

DELEGATE JOHNSON: Let me repeat please. Delegate Schrag is moving to amend line 6 to read "election and to circulate and sign nominating, initiative, referendum and recall petitions, provided". Is there discussion?

DELEGATE KAMENY: I have a question. Just simply a question just for information. Are there likely to be other forms of petitions than these named and are we not limiting it to these inadvertently if they are off? If the answer is no, then I have no problem.

DELEGATE SCHRAG: I don't know of any others but perhaps Delegate Mason --

DELEGATE KAMENY: I just wanted to be sure that inadvertently we weren't excluding something else that might come along in the way of other forms of petitions and excluding it from this by soliciting these.

DELEGATE SCHRAG: The intent of the movement is that this covers all election petitions.

DELEGATE KAMENY: All right.

DELEGATE JOHNSON: Delegate Shelton, Delegate Harris and then Delegate Corn.

DELEGATE SHELTON: I have some question, Madame Chair, about the right of people to circulate. I think we can be clear on the right to vote and the right to sign. The right to circulate I wonder and I question that as not a person's legal right.

Circulate -- I mean a bona fide petition initiated in the area by people in the area and whether or not as an outsider I mean a person has the right to tying up other -- I don't think it should be so strict in the constitution, right?

DELEGATE GRAHAM: As we discussed this, I think it was brought out that the petitions could be circulated. We were not thinking of anyone but those who were citizens of the United States, as I understand it. And I don't know -- I know I did not think of people as in another state who

decide they are going to come and help you do something. I didn't think of them as being outsiders if they were citizens of the United States.

DELEGATE HARRIS: I have a comment and then a recommendation to the committee. In line with what Delegate Shelton has just said, I have some concern also of having the word "to circulate" in this piece, but my concern is couched in what Delegate Kameny said and that is right now we might know of initiative, referendum and recall, but there might be other such forms as authorized by the Board of Elections that should be covered in this statement and by indicating what Delegate Schrag just stated, those are not covered. I would like to see some language that would state -- he said "nominating, initiative, referendum and recall and other such forms as authorized by the Board of Election". And that means that that provides for whatever else could be initiated.

DELEGATE JOHNSON: Well, wait a minute now. Are you speaking to this amendment?

DELEGATE HARRIS: Yes, I'm amending the amendment.

(Simultaneous discussion.)

DELEGATE JOHNSON: Delegate Harris has the floor.

DELEGATE HARRIS: We're talking about petitions. So

as other such authorized forms, and other such authorized election petitions.

DELEGATE COOPER: Point of order.

DELEGATE BALDWIN: Yes, delegate.

DELEGATE COOPER: Is someone going to put an amendment on the floor, or are we just going to --

DELEGATE HARRIS: I put the amendment in.

DELEGATE JOHNSON: All right. "And other such authorized election petitions".

DELEGATE HARRIS: Okay.

DELEGATE JOHNSON: We are speaking to the amendment to be amended.

DELEGATE BRUNING: I think that very well covers the possibilities of unforeseen petitions that may come up in the future.

DELEGATE CORN: Could you have that repeated please, the amendment to the amendment?

DELEGATE JOHNSON: Just a moment. The next person that is recognized is Delegate Baldwin.

DELEGATE BALDWIN: Madame Chairperson, my understanding of this is every citizen of the United States is eligible to vote in any elections. That is clear in "every citizen is eligible to vote" and that I understand. My interpretation

is when you say "and" -- so "and every citizen is eligible to circulate and sign petition, provided that such person", et cetera. To me in order to circulate most Boards of Elections has a requirement. As I interpret this a person can circulate, all you have to do is be a citizen of the United States.

(Simultaneous discussion.)

DELEGATE BALDWIN: That is my interpretation. As I interpret it, it should say that "everyone who is a citizen of the United States can circulate and sign petitions." I don't see anything that says anything like, you know, right to vote.

DELEGATE JOHNSON: Are there other comments on the Harris amendment to the amendment? That's all we are talking about right now.

Delegate Corn.

DELEGATE CORN: Could you please read the Harris amendment so I get it down clearly?

DELEGATE JOHNSON: Line 6, and help me if I --

DELEGATE CORN: I can't hear you.

DELEGATE JOHNSON: I haven't said anything. Line 6 reads: "Election and to circulate and sign". The Schrag amendment was "nominating, initiative, referendum and recall" and the Harris amendment added these words: "and other such

authorized election petitions". And then the sentence continues on: "election petitions, provided".

Further discussion?

Those in favor of the Harris amendment, signify by raising your hands.

(A show of hands.)

DELEGATE JOHNSON: Those opposed.

(A show of hands.)

DELEGATE JOHNSON: Abstentions.

(A show of hands.)

DELEGATE JOHNSON: The amendment carries. What is the vote please?

DELEGATE COOPER: Twenty in favor and one abstention.

DELEGATE KAMENY: I want to move the previous question on the Schrag amendment as amended.

(Whereupon, the motion was seconded.)

DELEGATE JOHNSON: All those in favor of moving the previous question, signify by saying aye.

(A chorus of "ayes".)

DELEGATE JOHNSON: Opposed.

(No response.)

DELEGATE JOHNSON: Abstentions.

(No response.)

DELEGATE JOHNSON: All those in favor of the Schrag amendment, signify by a show of hands.

(A show of hands.)

DELEGATE JOHNSON: Opposed.

(A show of hands.)

DELEGATE JOHNSON: Abstentions.

(A show of hands.)

DELEGATE JOHNSON: The Schrag amendment carries.

Are there further amendments?

Delegate Jackson.

DELEGATE JACKSON: Yes, Madame Chairperson, I move to strike Section D.

(Whereupon, the motion was seconded.)

DELEGATE JOHNSON: Section D, 1(D), beginning on line 18, page 2. We are talking about all of Section 1.

It has been moved and seconded. Would you like to speak to it first?

DELEGATE JACKSON: Well, first, I want to deal with the substance of the specific proposal, but I have a question because in our nation's bill of rights it includes extensively with the rights of all people, including the rights of citizenship. And I'm worried that the rules are such -- and like was pointed out by the chair earlier -- that if it

is put somewhere else that we must do a second reading which will require a two-thirds --

(Simultaneous discussion.)

DELEGATE JOHNSON: I am sorry, but Delegate Jackson has the floor.

DELEGATE JACKSON: So I am not sure about this whole process. And so with that -- I mean unless the rules are clarified for me to understand because I am afraid the point may be that if something passes here and it's contrary out in another body, that someone can say it passed and you can't discuss it later. The second reading would not solve that problem. For that reason, Madame Chairperson, I move to strike the (D) section under the section of bill of rights for prisoners and we will put the section in there.

DELEGATE JOHNSON: Is there anyone who would like to speak to the motion.

(Simultaneous discussion.)

DELEGATE JOHNSON: Is there anyone that would like to speak to the motion?

Delegate Mason.

DELEGATE CHARLES MASON: I would call the delegates' attention to the fact that the rules that govern third reading, which normally require -- second reading, which normally require a two-thirds' vote, make it specifically clear for

conflicts between different provisions that are brought to the attention of the body by the Committee on Style and Drafting. Those things can be corrected at second reading by a simple majority vote.

DELEGATE BALDWIN: Delegate Johnson, that does not answer Delegate Jackson's concern. Delegate Jackson is correct for a second reading. The only thing that can change a second reading -- and most of you keep saying the number of people required to change the amendment; that's not the key. The key question, your key concern is what can be amended, not what it takes.

Secondly, it specifically states this: In order to make an amendment at the second reading, it must be -- I won't say can't be -- it must be an amendment that was denied, that the committee didn't bring in, whatever committee it is -- that this committee failed to bring it in at the first meeting and that person had no other way of getting it in. And as we know what happened in the other two articles, that did happen. So he is right, that you have no other way of getting it in.

It further says any inconsistency. He isn't speaking of inconsistency. He is saying that if he doesn't get a chance to amend it at first reading, then he will not have a chance

and he is definitely right.

DELEGATE JOHNSON: Delegate Mason.

DELEGATE HILDA MASON: I would like to have that section read.

DELEGATE BALDWIN: You would like me to read it?

On second reading an amendment -- on page 13 -- on second reading an amendment shall be in order only if (a) the amendment has been introduced in substance by delegates' consideration by the substantive committee before that committee reports the article for first reading.

Is there any question on that?

(No response.)

DELEGATE BALDWIN: Unless this requirement is waived by the committee chair and the text of the proposed amendment has been typed and circulated to all delegates. On second reading the proposed article may be amended only by affirmative vote of two-thirds of those delegates present and voting. At this time an article may be adopted by a majority vote of those delegates present and voting.

DELEGATE JOHNSON: Now I need to ask a question, Delegate Baldwin. Your suggested amendment has come up in our committee. As a matter of fact, it was an amendment offered by a member of this committee.

DELEGATE BALDWIN: The first thing it says it should have been given to the substantive chairperson, right, and if that chairperson waives -- and is waived by the committee chair and the proposed amendment has been typed and circulated to all delegates, and those are the only conditions, as Delegate Jackson, that you can amend at the second reading.

It's not a point of order. Is there any other interpretation?

DELEGATE JOHNSON: Delegate Kameny.

DELEGATE KAMENY: Thank you very much.

I think the point being made is not quite what Delegate Baldwin is making. The point being made is if an inconsistency occurs in two articles as reported out in first reading, then by a majority vote this will come back to the convention for discussion of the inconsistency and resolution. But that implies -- the only way that can happen is, since all committees obviously don't report out at the same time -- is if the inconsistency escapes the notice of the convention, the second time this issue arose in the second committee's report -- second committee's article.

Now suppose -- to make myself clear, suppose you have your Section (D) here. Suppose now -- and suppose this is

accepted -- that is, Delegate Jackson's motion does not make its motion, for example -- and then the committee on rights comes out with a different -- a substantively different proposal that addresses this same issue, someone on the floor will say we discussed that issue, we disposed of that issue; this constitutes a reconsideration which you cannot do and the Committee on Rights will never have a chance to have its version discussed at all.

What Delegate Jackson's motion -- with which I concur strongly -- is attempting to do is by deleting this now, leaving the issue open for proper discussion when the Committee on Rights -- simply because the Committee on Rights happens to be scheduled later on -- brings up the same issue and then if the convention wants to do it this way, they can do it this way; if the convention wants to do it on the Committee of Rights' way, it can do it that way, but the whole issue is kept open, which is not the case here.

DELEGATE BALDWIN: Delegate Kameny, you have not spoken to item (a).The word "inconsistent" is not used in item (a) at all. It doesn't say anything about inconsistency. Delegate Jackson is right. You need to see it as how you interpret (a) and you haven't done that as yet. You need to just take it word by word, sentence by sentence and say what

that means to you.

DELEGATE KAMENY: Section (D)1 above (a) that is at issue.

DELEGATE BALDWIN: If they call it inconsistent to that.

DELEGATE KAMENY: That's right.

DELEGATE BALDWIN: It says on second reading, an amendment shall be in order only if. Now what does that mean to you.

DELEGATE KAMENY: This will not be an amendment.

DELEGATE CORN: This is not an amendment. Mr. President, may I speak to this as chair of Style and Drafting?

DELEGATE BALDWIN: You mean what Delegate Jackson is saying, it wouldn't be an amendment? Evidently, you misunderstood what he said.

DELEGATE KAMENY: It would not be an amendment, because it would be a totally new article being reported out by the Committee on Rights which would raise an issue on the Committee on Rights' report, which someone from the floor can legitimately say we've debated and disposed of tonight and therefore we cannot reconsider. And we are trying to prevent that closure of a discussion.

DELEGATE BALDWIN: Yes. If he brought it to Rights,

that would be okay. But suppose someone decided not to bring it to Rights and suppose it was voted down, then you cannot amend.

DELEGATE CORN: Mr. President, point of order.

DELEGATE BALDWIN: Yes, Delegate Holmes.

DELEGATE HOLMES: I would like to know if we read the constitution, suffrage comes last in the constitution. And if you decided to take -- if every committee puts something in there about this article and Rights read theirs first,then would we go down the line and say well this has been completed. How would this -- how would you clarify this if this is approved by each committee?

DELEGATE BALDWIN: I would imagine, Delegate Holmes, what would happen is Style and Drafting would bring it back as inconsistency and then allow the floor to decide on this inconsistency.

DELEGATE HOLMES: Yes, but Style and Drafting will be reading so much -- they can't remember. Then another thing: We do not have all the delegates and if they bring it to the floor and we have approved it -- now we have to be realistic about what we are doing.

DELEGATE BALDWIN: I'm sure Delegate Jackson knows now where to go from here. He only raised a question and he

knows --

(Simultaneous discussion.)

DELEGATE JACKSON: I beg to differ with you, Mr. Chair. The problem may well be that the chair may not be here or the leader isn't which may cause problems.

DELEGATE BALDWIN: The delegates have heard you and he is only giving his rationale for the deletion of Item (D).

We will hear two more and then we will move on.

DELEGATE CORN: Mr. President, point of order.

DELEGATE BALDWIN: He only raised -- that's his question. He is the one to be satisfied and, if he is dissatisfied, he would say he is. So he doesn't need any other comments from anyone else.

He was the one raising the issue in the first place. So if he is satisfied, he doesn't need the rest of you to continue to talk about that.

(Simultaneous discussion.)

DELEGATE BALDWIN: The previous question has been called for.

DELEGATE JOHNSON: All those in favor of moving the previous question, signify by saying aye.

(A chorus of "ayes".)

DELEGATE JOHNSON: Opposed.

(A chorus of "nays".)

DELEGATE JOHNSON: Abstention.

(No response.)

DELEGATE GARNER: Point of order, Madame Chair.

DELEGATE JOHNSON: Point of order.

DELEGATE GARNER: Is it correct that if this issue is voted on this evening, that is we include this in the second, that it would be out of order as a motion to reconsider should this issue come up under the article on rights? Is that correct or not?

DELEGATE BALDWIN: You raised a debate. I'm sure you won't agree with anyone else and you can talk on that and you won't get an answer. We have told you. We know what the rules say about reconsideration and I'm sure you do.

DELEGATE GARNER: Could I have an answer from the chair, yes or no. A motion from the Committee on Rights concerning the rights of persons to vote, if this provision is adopted, will that be considered as an acceptable motion or not?

DELEGATE BALDWIN: Sure, it will be accepted as a motion but whether or not it will pass, who knows.

DELEGATE GARNER: Given that interpretation, I would ask Delegate Jackson to withdraw the motion.

DELEGATE BALDWIN: I will keep the motion there.

(Simultaneous discussion.)

DELEGATE KAMENY: Point of order. The question has been called. The only thing properly to do now is --

(Simultaneous discussion.)

DELEGATE KAMENY: The only thing we may do is vote.

(Simultaneous discussion.)

DELEGATE BALDWIN: It's on the floor. We are voting on -- the question has been asked --

DELEGATE JOHNSON: No. The motion is to strike Section (D) of Section 1.

DELEGATE BALDWIN: To strike Section (D) of Section 1.

All in favor, signify by saying aye.

(A chorus of "ayes".)

DELEGATE BALDWIN: Opposed.

(A chorus of "nays".)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The "ayes" have it.

VOICES: Division.

DELEGATE JOHNSON: All of those in favor of deleting Section (D), please signify by raising hands.

(A show of hands.)

DELEGATE JOHNSON: All those opposed to deleting Section (D).

(A show of hands.)

DELEGATE JOHNSON: Hands down please. All those abstaining.

(A show of hands.)

DELEGATE JOHNSON: Vote, Mr. Chair. The motion is defeated to delete Section 1(D).

Other amendments.

Delegate Corn.

DELEGATE BALDWIN: Delegate Johnson, I will have to handle it from this point on. Delegate Schrag and Delegate Corn.

DELEGATE SCHRAG: Mr. President, in line 18, "at the time of the election", I move to substitute the word "then". So that the line would read "is not then incarcerated".

(Simultaneous discussion.)

DELEGATE SCHRAG: Line 18 would read "is not then incarcerated".

DELEGATE BALDWIN: Please state what it is you want deleted and what you will insert before you attempt to read the sentence. You're deleting what?

DELEGATE SCHRAG: Delete the phrase "at the time of the election" --

DELEGATE CORN: Second.

DELEGATE SCHRAG: -- and substitute the word "then".

The purpose of this amendment, Mr. President, is because the section applies to two different things. It applies to circulation of petitions and to voting in election. And the way it was drafted, this little phrase applied only to voting in elections. To make sure it's clear with respect to both times, we should put in the word "then". I fear if we don't do this, we might accidentally retroactively void a nomination if a circulator or petition was incarcerated after the petitions have been handed in and before the election. It's just a technical point.

DELEGATE BALDWIN: It has been moved and properly seconded to amend line 18 by a deletion of "at the time of the election" and insert "then".

Is there a debate?

DELEGATE CORN: I move the previous question.

DELEGATE BALDWIN: The previous question has been

called for. Those in favor of the previous question.

It has been moved and properly seconded that the previous question has been called for. Those in favor, signify by saying aye.

(A chorus of "ayes".)

DELEGATE BALDWIN: Opposed.

(No response.)

DELEGATE BALDWIN: The ayes have it.

Those in favor of the amended section or phrase, signify by saying yes.

(A chorus of "ayes".)

DELEGATE BALDWIN: Oppose is nay.

(A chorus of "nays".)

DELEGATE BALDWIN: Signify by saying yes, a show of hands please.

(Show of hands.)

DELEGATE BALDWIN: These are the yes votes. You are voting substituting the word "then" for that phrase. And if you are voting yes, you want the substitution made.

(Simultaneous discussion.)

DELEGATE BALDWIN: Does everyone understand what you are voting for.

Those opposed.

(A show of hands.)

DELEGATE BALDWIN: Abstention.

(A show of hands.)

DELEGATE BALDWIN: Mr. Secretary, what is the count?

DELEGATE COOPER: Seven in favor, five against, three abstentions.

DELEGATE BALDWIN: The motion is passed. Delegate Harris.

DELEGATE HARRIS: Yes. I would like to ask the committee on the same paragraph if consideration was given to persons who are on parole and who are residing in halfway houses actually in the communities in terms of voting?

DELEGATE BALDWIN: Delegate Johnson.

DELEGATE JOHNSON: Consideration was given, Delegate Harris, and we felt that upon release from the institution or the place of incarceration, that person would again be eligible to vote, would regain their voting rights.

In other words, they may not upon completion of sentence but upon release from incarceration. That does not necessarily mean that they have been completed -- completed their paroles. They may be in halfway houses but they are not longer incarcerated. Then they would gain their voting

rights.

DELEGATE HARRIS: Well, how would they be given that right? They are not given that right now. If they are on parole and in halfway houses, they still have not fully completed their term.

DELEGATE CHARLES MASON: That is the present law in the District of Columbia. It is not the law in every state, but it is the law in the District of Columbia.

DELEGATE BALDWIN: Are there other amendments to Section 1?

Sir, aren't you a member of this committee?

DELEGATE BRIAN MOORE: Yes, I am.

DELEGATE BALDWIN: Are you speaking to amend or what? That is a part of your minority report?

DELEGATE BRIAN MOORE: Yes, it is.

DELEGATE BALDWIN: Delegate Moore.

DELEGATE BRIAN MOORE: Thank you, sir.

I would like to amend Section 1, voting eligibility, Part (E), line 22 through 28. And this is a substitute motion to replace Section (E) and it would read as follows: "Is considered eligible to vote by pre-registration or by demonstrating proof of residence at the time of voting."

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: Yes, sir, two minutes.

DELEGATE BRIAN MOORE: If you will notice on the side of the wall here there are a significant number of voters in the District who are not registered -- a significant number of residents who are not registered. There are 25,000 in Ward 8; there are 29,000 in Ward 1, and you can see in Ward 3 there is the least amount of people that are not registered. So it indicates finances and education and the turnout of people who either go to the polls or are registered to vote.

I would like to propose to maximize the participation of residents in the District of Columbia to vote. And the way to do that is to allow persons to register to vote on the date of election. Right now there are five states in the Union that allow that -- Oregon, Maine, South Dakota, Minnesota. Minnesota registered 433,000 people on the day of election in 1980. That was over 25 percent of the people that voted for President in 1980 and they do it in a formal way. They recognize your place of residence by your driver's license, your temporary driver's license or plastic ID. When you register to vote on the day, you vote. The next week we send a postcard to that address, to that name. If the postcard returns, then they prosecute you.

I think it's very important if we can maximize the